

JOURNAL OF THE SENATE

EIGHTY-NINTH SESSION

EIGHTEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Tuesday, February 11, 2014

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Fr. Kristopher Cowles, followed by the Pledge of Allegiance led by Senate page Priscilla Boland.

Roll Call: All members present except Sen. Curd who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the seventeenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

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REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 125 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 85 and returns the same with the recommendation that said bill be amended as follows:

850a

On page 1, line 7, of the printed bill, after "Information" insert ", if maintained,".

On page 1, line 11, after "intelligence" overstrike "or" and insert ":

On page 1, line 11, after "investigation" insert ", or identity information associated with a mental health or a chemical dependency or abuse intervention".

And that as so amended said bill do pass.

Also MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 143 and returns the same with the recommendation that said bill be amended as follows:

143rb

On page 5 of the printed bill, delete lines 3 to 5, inclusive, and insert:

"Section 8. It is not an unfair or deceptive trade practice for any person who owns or has the right to license or enforce a patent to notify another of that ownership or right of license or enforcement, to notify another that the patent is available for license or sale, to notify another of the infringement of that patent pursuant to the provisions of Title 35 of the United States Code, or to seek compensation on account of a past or present infringement, or for a license, if it is reasonable to believe that the person from whom compensation is sought may owe such compensation.".

And that as so amended said bill do pass.

Respectfully submitted,
Craig Tieszen, Chair

1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration HB 1014 and returns the same with the recommendation that said bill do
4 pass.

5 Also MR. PRESIDENT:

6 The Committee on Agriculture and Natural Resources respectfully reports that it has had
7 under consideration SB 46 and returns the same with the recommendation that said bill be
8 amended as follows:

9 46tb

10 On page 3 of the printed bill, delete line 20, and insert "may subject an animal to cruelty.
11 A violation".

12 On page 4, line 15, after "necessary" insert "for law enforcement officers".

13 On page 4, line 19, overstrike "or agent".

14 On page 6, delete lines 21 and 22, and insert "personnel following guidelines, regulations,
15 or requirements established by the ~~National Institute of Health and the United States Department~~
16 of Agriculture and the United States Department of Health and Human Services. Any
17 experiments or scientific".

18 On page 8, between lines 10 and 11, insert:

19 "Section 17. That § 40-1-21 be amended to read as follows:

20 40-1-21. No person may intentionally kill any animal of any age or value, the property of
21 another, nor intentionally injure or mistreat any such animal. A violation of this section is a
22 Class 1 misdemeanor. This section may not be construed to prevent euthanasia by a licensed
23 veterinarian with proper authority from the animal's owner nor may it prevent acts of euthanasia
24 authorized by this chapter. This section may not be construed to prohibit euthanasia conducted
25 by the municipality or under a municipality's animal control activities. This section may not be
26 construed to prohibit activities conducted under chapter 40-34."

27 And that as so amended said bill do pass.

28 Also MR. PRESIDENT:

29 The Committee on Agriculture and Natural Resources respectfully reports that it has had
30 under consideration SB 104 and returns the same with the recommendation that said bill be
31 amended as follows:

1 104tb

2 On page 1, line 13, of the printed bill, after "light" insert "and night vision equipment".

3 On page 1, line 14, overstrike ".22 caliber".

4 On page 2, line 1, remove the overstrikes from "and".

5 On page 2, line 5, delete "; and" and insert ".".

6 On page 2, delete lines 6 and 7.

7 On page 2, delete lines 12 to 24, inclusive.

8 104rta

9 On page 1, line 1, of the printed bill, delete "artificial light" and insert "night vision
10 equipment".

11 And that as so amended said bill do pass.

12 Respectfully submitted,
13 Shantel Krebs, Chair

14 Also MR. PRESIDENT:

15 The Committee on Education respectfully reports that it has had under consideration SB 154
16 and returns the same with the recommendation that said bill do pass.

17 Also MR. PRESIDENT:

18 The Committee on Education respectfully reports that it has had under consideration SB 182
19 and returns the same with the recommendation that said bill do pass and be placed on the
20 consent calendar.

21 Also MR. PRESIDENT:

22 The Committee on Education respectfully reports that it has had under consideration SB 178
23 which was tabled.

24 Also MR. PRESIDENT:

25 The Committee on Education respectfully reports that it has had under consideration SB 131
26 and 144 which were deferred to the 41st Legislative Day.

27 Respectfully submitted,
28 Deb Soholt, Chair

1 Also MR. PRESIDENT:

2 The Committee on Commerce and Energy respectfully reports that it has had under
3 consideration HB 1048, 1053, and 1080 and returns the same with the recommendation that said
4 bills do pass and be placed on the consent calendar.

5 Also MR. PRESIDENT:

6 The Committee on Commerce and Energy respectfully reports that it has had under
7 consideration SB 114 and returns the same with the recommendation that said bill be amended
8 as follows:

9 114ta

10 On page 2, line 16, of the printed bill, delete "this Act" and insert "title 35".

11 And returns the same without recommendation.

12 Respectfully submitted,
13 Ried S. Holien, Chair

14 **MESSAGES FROM THE HOUSE**

15 MR. PRESIDENT:

16 I have the honor to transmit herewith HB 1071, 1101, 1130, 1133, 1143, 1158, 1180, and
17 1199 which have passed the House and your favorable consideration is respectfully requested.

18 Also MR. PRESIDENT:

19 I have the honor to return herewith SCR 1 in which the House has concurred.

20 Also MR. PRESIDENT:

21 I have the honor to transmit herewith HCR 1015 which has been adopted by the House and
22 your concurrence is respectfully requested.

23 Respectfully,
24 Arlene Kvislen, Chief Clerk

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requires American students to conform to uniform, one size fits all, achievement goals to make them more competitive in a global marketplace; and

WHEREAS, the NGA and the CCSSO received tens of millions of dollars from private third parties to advocate for and develop the CCSS strategy and subsequently created the CCSS through a process that was not subject to any freedom of information acts or other sunshine laws; and

WHEREAS, even though federal law prohibits the federalizing of curriculum, the Obama Administration accepted the CCSS plan and used 2009 Stimulus Bill money to reward the states that were most committed to the president's CCSS agenda, but they failed to give states, their legislatures, and their citizens time to evaluate the CCSS before having to commit to them; and

WHEREAS, the NGA and CCSSO in concert with the same corporations developing the CCSS assessments have created new textbooks, digital media, and other teaching materials aligned to the standards, which must be purchased and adopted by local school districts in order that students may effectively compete on CCSS assessments; and

WHEREAS, the CCSS program includes federally funded testing and the collection and sharing of massive amounts of personal student and teacher data; and

WHEREAS, the CCSS effectively removes educational choice and competition since all schools and all districts must use Common Core assessments based on the Common Core standards to allow all students to advance in the school system and to advance to higher education pursuits:

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-Ninth Legislature of the State of South Dakota, the House of Representatives concurring therein, that the South Dakota Legislature does not believe in a one size fits all approach to education and supports providing broad education choices to parents and children at the state and local level, which is best based on a free market approach to education for students to achieve individual excellence; and

BE IT FURTHER RESOLVED, that the Legislature recognizes the CCSS for what it is, an inappropriate overreach to standardize and control the education of our children so they will conform to a preconceived normal; and

BE IT FURTHER RESOLVED, that the Legislature rejects the collection of personal student data for any noneducational purpose without the prior written consent of an adult student or a child student's parent, and that it rejects the sharing of such personal data, without the prior written consent of an adult student or a child student's parent, with any person or entity other than schools or education agencies within the state; and

BE IT FURTHER RESOLVED, that the Legislature recognizes the need to repeal the numerous federal regulations that interfere with state and local control of public schools. Therefore, the Legislature rejects this CCSS plan which creates and fits the country with a nationwide straitjacket on academic freedom and achievement.

1 Was read the first time and referred to the Committee on Education.

2 HCR 1015: A CONCURRENT RESOLUTION, In support of protecting American
3 sovereignty and defending individual second amendment rights from United Nations
4 interference.

5 Was read the first time, the President waived the referral to committee, and placed
6 HCR 1015 on the calendar of Wednesday, February 12, the 19th legislative day.

7 SCR 3 Introduced by: Senators Peters, Brown, Frerichs, Heineman (Phyllis), Jones (Tom),
8 Krebs, Lucas, Maher, Novstrup (Al), Otten (Ernie), Rave, Solano, Sutton, Tidemann, Van
9 Gerpen, and White and Representatives Cronin, Bolin, Carson, Dryden, Gosch, Greenfield,
10 Haggar (Don), Hawley, Hoffman, Lust, Mickelson, Novstrup (David), Ring, Romkema, Werner,
11 Westra, Wick, and Wismer

12 A CONCURRENT RESOLUTION, Urging the members of the South Dakota Congressional
13 delegation to sponsor and support the Marketplace Fairness Act, or similar legislation that
14 would grant the states authority to collect sales and use tax on remote sales.

15 WHEREAS, the 1967 Bellas Hess and the 1992 Quill Supreme Court decisions denied
16 states the authority to require the collection of sales and use taxes by businesses that have no
17 physical presence in the taxing state; and

18 WHEREAS, the ability of consumers to make purchases from remote sellers that have no
19 physical presence has become significantly more accessible via the internet, and the sales tax
20 base is eroding as consumers are altering their purchasing habits; and

21 WHEREAS, the constraints imposed by the Supreme Court's decisions threaten the future
22 viability of the sales tax as a revenue source for state and local governments in this changing
23 market for consumer goods and services; and

24 WHEREAS, the federal government continues to shift program and financial responsibilities
25 to the states, but the inaction of Congress to permit states to require sales and use tax collection
26 on remote sales limits the states' ability to raise revenues for the funding of such programs from
27 one of the major state revenue sources; and

28 WHEREAS, if Congress were to act on this matter, it would provide fiscal relief for the
29 states without costing the federal government a single cent or otherwise affect the federal
30 budget; and

31 WHEREAS, the Streamlined Sales and Use Tax Agreement provided the states with one
32 viable blueprint to create a simplified and more uniform sales and use tax collection system. The
33 states and the business community have worked for over ten years to simplify state and local
34 sales and use tax systems by establishing common definitions, sourcing rules, and other factors
35 to provide a streamlined system for the twenty-first century; and

1 WHEREAS, the Legislature of South Dakota and our colleagues in the other states have
2 shown the resolve to acknowledge the complexities of the current sales and use tax collection
3 system, have worked with the business community to formulate a truly simplified and
4 streamlined collection system, and have shown the political will to enact the necessary changes
5 to make the streamlined collection system the law; and

6 WHEREAS, as of February 2014, twenty-four states, Arkansas, Georgia, Indiana, Iowa,
7 Kansas, Kentucky, Michigan, Minnesota, Nebraska, Nevada, New Jersey, North Carolina, North
8 Dakota, Ohio, Oklahoma, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Washington,
9 West Virginia, Wisconsin, and Wyoming, have enacted legislation to bring their states' sales and
10 use tax statutes into compliance with the Agreement; and

11 WHEREAS, the Center for Business and Economic Research at the University of Tennessee
12 estimated that South Dakota lost over \$60.8 million in 2012 and that state and local
13 governments nationally lost over \$23 billion in 2012 because they were not able to collect taxes
14 on remote sales; and

15 WHEREAS, the Marketplace Fairness Act grants states that comply with the agreement the
16 authority to require sellers, regardless of nexus, to collect those states' sales and use taxes; and

17 WHEREAS, the Marketplace Fairness Act for the first time would provide a comprehensive
18 national solution to the sales tax collection by permitting states that are unable to join the
19 agreement to enact sales and use tax simplifications and be granted authority to require
20 collection of taxes on remote sales, thereby removing the potential for competitive advantage
21 among the states; and

22 WHEREAS, the Marketplace Fairness Act will create fair market competition between
23 traditional and online only retailers which will enable South Dakota businesses to grow and
24 expand resulting in more jobs and continued economic growth for South Dakota; and

25 WHEREAS, the Marketplace Fairness Act will allow South Dakota small businesses to
26 compete fairly in order to sustain and increase the fifty-two thousand retail jobs throughout the
27 state; and

28 WHEREAS, the United States Senate understands the importance of the Marketplace
29 Fairness Act to main street retailers and to state and local governments and overwhelmingly
30 passed it on May 6, 2013, 69-27; and

31 WHEREAS, until Congress and the President enact legislation to permit states to require
32 collection of tax on remote sales, participation by remote sellers will only ever be voluntary
33 making it unlikely that the states will close the sales and use tax gap between what is owed on
34 remote transactions and what is collected:

35 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Eighty-Ninth Legislature
36 of the State of South Dakota, the House of Representatives concurring therein, that the
37 Legislature of South Dakota calls upon the members of our congressional delegation, Senators
38 Tim Johnson and John Thune, and Representative Kristi Noem to support the Marketplace
39 Fairness Act; and

1 BE IT FURTHER RESOLVED, that the Legislature of South Dakota expresses its
2 appreciation and gratitude to Senators Tim Johnson and John Thune for supporting and passing
3 the Marketplace Fairness Act in the United States Senate and to Representative Kristi Noem for
4 cosponsoring the Marketplace Fairness Act in the House of Representatives; and

5 BE IT FURTHER RESOLVED, that the Legislature of South Dakota urges President Barack
6 Obama to sign into law legislation granting the states authority to collect sales and use tax on
7 remote sales, upon its passage by the Congress.

8 Was read the first time, the President waived the referral to committee, and placed SCR 3
9 on the calendar of Wednesday, February 12, the 19th legislative day.

10 HCR 1013: A CONCURRENT RESOLUTION, Commemorating the 200th anniversary of
11 the War of 1812 and "The Star Spangled Banner", and recognizing the historical significance,
12 heroic human endeavor, and sacrifices of members of the United States Army, Marine Corps,
13 Navy, Revenue Marine Service, and state militias, during and since the War of 1812.

14 Was read the second time.

15 Sen. Welke moved that the Senate do concur in HCR 1013 as found on page 308 of the
16 House Journal.

17 The question being on Sen. Welke's motion that HCR 1013 be concurred in.

18 And the roll being called:

19 Yeas 34, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
22 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
23 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rempelberg; Rave; Rhoden; Soholt;
24 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

25 Excused:

26 Curd

27 So the motion having received an affirmative vote of a majority of the members-elect, the
28 President declared the motion carried and HCR 1013 was concurred in.

29 FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS

30 HB 1071: FOR AN ACT ENTITLED, An Act to change the procedure for a minor
31 boundary change.

1 Was read the first time and referred to the Committee on Education.

2 HB 1101: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
3 board of directors of the Science and Technology Authority.

4 Was read the first time and referred to the Committee on State Affairs.

5 HB 1130: FOR AN ACT ENTITLED, An Act to authorize the use of crossbows for
6 hunting big game animals during the firearm season.

7 Was read the first time and referred to the Committee on Agriculture and Natural
8 Resources.

9 HB 1133: FOR AN ACT ENTITLED, An Act to repeal or revise certain provisions
10 concerning townships.

11 Was read the first time and referred to the Committee on Local Government.

12 HB 1143: FOR AN ACT ENTITLED, An Act to repeal certain provisions regarding
13 unemployment insurance benefit eligibility of workers attending approved training.

14 Was read the first time and referred to the Committee on Commerce and Energy.

15 HB 1158: FOR AN ACT ENTITLED, An Act to provide medical care for certain unborn
16 children.

17 Was read the first time and referred to the Committee on Health and Human Services.

18 HB 1180: FOR AN ACT ENTITLED, An Act to provide that no entity that places children
19 for adoption or performs abortions may be registered as a pregnancy help center.

20 Was read the first time and referred to the Committee on Health and Human Services.

21 HB 1199: FOR AN ACT ENTITLED, An Act to repeal certain outdated and obsolete
22 provisions regarding family law.

23 Was read the first time and referred to the Committee on Judiciary.

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1 Yeas:

2 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
3 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
4 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
5 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 Excused:

7 Curd

8 So the bill having received an affirmative vote of a majority of the members-elect, the
9 President declared the bill passed.

10 The question being on the title.

11 82fta

12 Sen. Brown moved that the title to SB 82 be amended as follows:

13 On page 1, line 2, of the printed bill, after "subdivisions" insert "and to revise certain
14 provisions concerning agreements or other transactions of the South Dakota Housing
15 Development Authority".

16 Which motion prevailed and the title was so amended.

17 SB 25: FOR AN ACT ENTITLED, An Act to establish the procedure to forfeit personal
18 property in child pornography, human trafficking, child solicitation or exploitation cases, and
19 to direct money from the forfeitures.

20 Was read the second time.

21 The question being "Shall SB 25 pass?"

22 And the roll being called:

23 Yeas 33, Nays 1, Excused 1, Absent 0

24 Yeas:

25 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
26 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
27 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
28 Solano; Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

29 Nays:

30 Tieszen

1 Excused:
2 Curd

3 So the bill having received an affirmative vote of a two-thirds majority of the members-
4 elect, the President declared the bill passed and the title was agreed to.

5 SB 97: FOR AN ACT ENTITLED, An Act to revoke professional or trade licensure
6 obtained through false degrees.

7 Was read the second time.

8 The question being "Shall SB 97 pass as amended?"

9 And the roll being called:

10 Yeas 34, Nays 0, Excused 1, Absent 0

11 Yeas:
12 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
13 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
14 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
15 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

16 Excused:
17 Curd

18 So the bill having received an affirmative vote of a majority of the members-elect, the
19 President declared the bill passed and the title was agreed to.

20 SB 59: FOR AN ACT ENTITLED, An Act to increase the penalty for the trafficking of
21 vehicle license plates and decals, to prohibit and provide a penalty for the unauthorized transfer
22 of a vehicle license plate or decal, and to impose a penalty for altering or forging certain vehicle
23 registration cards.

24 Was read the second time.

25 The question being "Shall SB 59 pass?"

26 And the roll being called:

27 Yeas 33, Nays 1, Excused 1, Absent 0

1 Yeas:

2 Begalka; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien; Hunhoff
3 (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
4 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
5 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 Nays:

7 Bradford

8 Excused:

9 Curd

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 SB 60: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the titling
13 and licensing of boats and motor vehicles and to establish certain penalties for violation of those
14 provisions.

15 Was read the second time.

16 The question being "Shall SB 60 pass?"

17 And the roll being called:

18 Yeas 34, Nays 0, Excused 1, Absent 0

19 Yeas:

20 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
21 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
22 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
23 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

24 Excused:

25 Curd

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 SB 115: FOR AN ACT ENTITLED, An Act to provide for travel insurance and regulate
29 travel insurance retailers.

30 Was read the second time.

31 The question being "Shall SB 115 pass as amended?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
5 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
6 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
7 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

8 Excused:

9 Curd

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 SB 54: FOR AN ACT ENTITLED, An Act to revise the definition of a boat dealer, used
13 vehicle dealer, and dealer of mobile homes or manufactured homes, and to revise certain
14 penalties for selling motor vehicles, snowmobiles, mobile homes, manufactured homes, or boats
15 without a license.

16 Was read the second time.

17 The question being "Shall SB 54 pass as amended?"

18 And the roll being called:

19 Yeas 34, Nays 0, Excused 1, Absent 0

20 Yeas:

21 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
22 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
23 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
24 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

25 Excused:

26 Curd

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 SB 15: FOR AN ACT ENTITLED, An Act to authorize the South Dakota Building
30 Authority and the Board of Regents to finance, design, construct, furnish, and equip a football
31 stadium facility at South Dakota State University, to make an appropriation therefor, and to
32 declare an emergency.

1 Was read the second time.

2 The question being "Shall SB 15 pass as amended?"

3 And the roll being called:

4 Yeas 34, Nays 0, Excused 1, Absent 0

5 Yeas:

6 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Holien;
7 Hunhoff (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
8 Monroe; Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden; Soholt;
9 Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

10 Excused:

11 Curd

12 So the bill having received an affirmative vote of a two-thirds majority of the members-
13 elect, the President declared the bill passed and the title was agreed to.

14 SB 51: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
15 regulation of tobacco.

16 Was read the second time.

17 The question being "Shall SB 51 pass as amended?"

18 And the roll being called:

19 Yeas 31, Nays 3, Excused 1, Absent 0

20 Yeas:

21 Begalka; Bradford; Brown; Buhl O'Donnell; Ewing; Frerichs; Heineman (Phyllis); Hunhoff
22 (Jean); Jensen; Jones (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Maher;
23 Novstrup (Al); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Soholt; Solano; Sutton;
24 Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

25 Nays:

26 Holien; Monroe; Rhoden

27 Excused:

28 Curd

29 So the bill having received an affirmative vote of a majority of the members-elect, the
30 President declared the bill passed and the title was agreed to.

1 SB 163: FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the
2 underage consumption of alcoholic beverages on the social host's premises and to provide
3 penalties therefor.

4 Was read the second time.

5 163oc

6 Sen. Lucas moved that SB 163 be further amended as follows:

7 On page 2, line 19, of the Senate State Affairs Committee engrossed bill, before
8 "consumption" insert "illegal".

9 Which motion prevailed.

10 The question being "Shall SB 163 pass as amended?"

11 And the roll being called:

12 Yeas 27, Nays 7, Excused 1, Absent 0

13 Yeas:

14 Begalka; Bradford; Buhl O'Donnell; Frerichs; Heineman (Phyllis); Holien; Jensen; Jones
15 (Chuck); Jones (Tom); Kirkeby; Krebs; Lederman; Lucas; Monroe; Omdahl; Otten (Ernie);
16 Rampelberg; Rave; Rhoden; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke;
17 White

18 Nays:

19 Brown; Ewing; Hunhoff (Jean); Maher; Novstrup (Al); Peters; Soholt

20 Excused:

21 Curd

22 So the bill having received an affirmative vote of a majority of the members-elect, the
23 President declared the bill passed and the title was agreed to.

24 SB 167: FOR AN ACT ENTITLED, An Act to revise the title of the task force responsible
25 for implementing and overseeing the assessment of agricultural land and to assign the task force
26 certain other oversight responsibilities.

27 Was read the second time.

28 The question being "Shall SB 167 pass?"

29 And the roll being called:

1 Yeas 9, Nays 25, Excused 1, Absent 0

2 Yeas:

3 Brown; Heineman (Phyllis); Holien; Jensen; Lederman; Novstrup (Al); Omdahl; Peters; Tieszen

4 Nays:

5 Begalka; Bradford; Buhl O'Donnell; Ewing; Frerichs; Hunhoff (Jean); Jones (Chuck); Jones
6 (Tom); Kirkeby; Krebs; Lucas; Maher; Monroe; Otten (Ernie); Rampelberg; Rave; Rhoden;
7 Soholt; Solano; Sutton; Tidemann; Van Gerpen; Vehle; Welke; White

8 Excused:

9 Curd

10 So the bill not having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill lost.

12 Sen. Rave moved that SB 150, 142, 169, and 39 and HB 1061, 1029, 1012, 1015, 1045,
13 1058, and 1079 be deferred to Wednesday, February 12, the 19th legislative day.

14 Which motion prevailed.

15 There being no objection, the Senate reverted to Order of Business No. 5.

16 **REPORTS OF STANDING COMMITTEES**

17 MR. PRESIDENT:

18 The Committee on Education respectfully reports that it has had under consideration the
19 nomination of Kelly J. Duncan of Clay County, Vermillion, South Dakota, to the South Dakota
20 Board of Education and returns the same with the recommendation that the Senate advise and
21 consent to the re-appointment of Kelly J. Duncan.

22 Respectfully submitted,
23 Deb Soholt, Chair

24 **COMMEMORATIONS**

25 SC 17 Introduced by: Senators Otten (Ernie), Brown, Lederman, Lucas, and Van Gerpen
26 and Representatives Otten (Herman), Latterell, Stalzer, Tyler, and Verchio

1 A LEGISLATIVE COMMEMORATION, Congratulating and honoring the *Tea Weekly* and the
2 *Lennox Independent* writers for receiving numerous first place awards at the South
3 Dakota/North Dakota Newspaper Associations' Convention.

4 WHEREAS, the *Tea Weekly* and the *Lennox Independent* writers received first place in the
5 following categories: Publisher and Advertising Manager, Kelli Bultena; Publisher and Editor,
6 Debbie Schmidt; Sports Editor, Anne Homan; and Reporter, Erica Gaspar:

7 NOW, THEREFORE, BE IT COMMEMORATED, by the Eighty-Ninth Legislature of the
8 State of South Dakota, that the *Tea Weekly* and the *Lennox Independent* writers be congratulated
9 and commended for receiving numerous first place awards, be recognized for their exceptional
10 writing skills and hard work, and extends best wishes for their continued success.

11 Sen. Maher moved that the Senate do now adjourn, which motion prevailed and at
12 3:53 p.m. the Senate adjourned.

13 Jeannette Schipper, Secretary

